IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 372 of 2006 (M/B)

Kunwar Pal Singh,
S/o Sri L.N. Singh, Helper,
Electric Department, Pant Nagar,
G.B. Pant Agriculture & Technology University,
Pant Nagar, District Udham Singh Nagar. …… Petitioner

Versus

1. G.B. Pant Agriculture & Technology University,
   Pant Nagar through its Vice Chancellor,
   District Udham Singh Nagar.
2. Assistant Director, Electric IInd
   G.B. Pant Agriculture & Technology University,
   Pant Nagar,
   District Udham Singh Nagar.
3. Electric Inspector,
   Panchayat Ghar, Badi Makhani,
   Haldwani. …….Respondents

M.S. Chauhan, Advocate for the petitioner.
Mr. Rajendra Dobhal, Advocate for respondent Nos. 1 and 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble M.M. Ghildiyal, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. M.S. Chauhan, Advocate for the petitioner.

Mr. Rajendra Dobhal, Advocate for respondent Nos. 1 and 2.

None for respondent No. 3.

They are heard.

2. Petitioner Kunwar Pal Singh, a Helper in the Electric Department of Govind Ballabh Pant Agricultural and Technology University, Pant Nagar, District Udham Singh Nagar, has filed this writ petition for the following reliefs:

> "I. Issue a writ order or direction in the nature of mandamus directing the respondents to pay Rs. 10 Lacs, as the compensation to the petitioner for committing gross negligence which they asked to the petitioner to climb on the poll without having set down of high tension line.

II. Issue any other order or direction which this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case.

III. Award cost of the petition to the Petitioner."

3. The petitioner is claiming compensation for the injuries suffered by him on by him on account of the alleged negligence on the part of the respondents.

4. For recording a finding in regard to the alleged negligence of the respondents leading to the alleged harm to the petitioner and for proper assessment of compensation, the parties would be required to lead evidence which course is not permissible in the proceedings under Article 226 of the Constitution of India. In this view of the matter, the writ petition is liable to be dismissed.

5. The petitioner, however, shall be at liberty to work out the other remedies which may be available to him under the relevant provisions of law.

6. With the above observation, the writ petition stands disposed of.

(M.M. Ghildiyal, J.)
31.03.2006

(Rajeev Gupta, C.J.)
31.03.2006

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